



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 5, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
Lyta Corporation t/a Best Transit
Docket No. C-2019-3011252
Petition for Leave to Withdraw Complaint

Dear Secretary Chiavetta,

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Petition for Leave to Withdraw the Complaint in the above-captioned case pursuant to 52 Pa. Code § 5.94.

Respondent is advised, pursuant to 52 Pa. Code § 5.94, that it has ten (10) days from the date of service to object to the Petition.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Kourtney L. Myers
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 316494
(717) 705-4366
komyers@pa.gov

KLM/ac
Enclosures

cc: Honorable Eranda Vero
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3011252
	:	
Lyta Corporation t/a Best Transit,	:	
Respondent	:	

**PETITION FOR LEAVE TO WITHDRAW COMPLAINT OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO ADMINISTRATIVE LAW JUDGE ERANDA VERO:

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, and files this Petition for Leave to Withdraw the Complaint against Lyta Corporation t/a Best Transit (“Lyta” or “Respondent”) pursuant to 52 Pa. Code § 5.94. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on June 28, 2019 by filing a Complaint.
2. In its Complaint, I&E alleged that Lyta violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to pay its assessments for the July 1, 2016 to June 30, 2017 Fiscal Year (“2016-2017 Fiscal Year”) and the July 1, 2017 to June 30, 2018 Fiscal Year (“2017-2018 Fiscal Year”) in the amounts of \$2,593 and \$27,280, respectively. I&E’s Complaint requested that Respondent pay its outstanding assessments related to the 2016-2017 and 2017-2018 Fiscal Years, totaling \$29,873, and a civil penalty of \$4,500, for a total payment of \$34,373.

3. On July 22, 2019, Lyta filed an Answer to I&E's Complaint.

4. On February 6, 2020, the Commission entered a Tentative Order at Docket No. M-2020-3015774 ("Tentative Order"), unrelated to the instant complaint proceeding, directing Lyta and other delinquent motor carriers to pay their outstanding assessment balance to the Commission.

5. The Tentative Order references a letter sent by the Commission's Bureau of Administration ("ADM") wherein the delinquent motor carriers were notified of their outstanding assessment balance with the Commission and directed to pay their past due balance within 20 days of receipt of the letter.

6. The ADM letter¹ sent to Lyta references an outstanding assessment balance of \$47,751, which includes \$8,972 for the 2019-2020 Fiscal Year and \$38,779 for prior years. Those prior years include the following: \$2,593 for the 2016-2017 Fiscal Year; \$27,280 for the 2017-2018 Fiscal Year; and \$8,906 for the 2018-2019 Fiscal Year.

7. The Tentative Order states that none of the motor carriers listed on Appendix A of the Tentative Order submitted payment in response to ADM's letter. Lyta is listed on Appendix A of the Tentative Order.

8. The Tentative Order directs that the cancellation of the Certificates of Public Convenience ("Certificate") of each motor carrier listed on Appendix A, including Lyta, be tentatively approved as being in the public interest; that the Tentative Order be published in the *Pennsylvania Bulletin*; and that the motor carriers listed on Appendix A could challenge the cancellation of their Certificates by filing comments within 30 days

¹ The ADM letter was sent to Lyta on November 12, 2019 and uploaded under Docket No. A-2010-2186555.

after publication of the Tentative Order in the *Pennsylvania Bulletin* or that the motor carriers listed on Appendix A could avoid cancellation of their Certificates by paying their outstanding assessment balance within 30 days after publication of the Tentative Order in the *Pennsylvania Bulletin*.

9. The Tentative Order was published in the *Pennsylvania Bulletin* on February 22, 2020.

10. Lyta neither filed comments challenging the cancellation nor paid its outstanding assessment balance, as directed by the Tentative Order.

11. On January 19, 2021, Administrative Law Judge (“ALJ”) Eranda Vero issued a Hearing Notice which scheduled an Initial Telephonic Hearing in I&E’s Complaint Proceeding at Docket No. C-2019-3011252 for February 11, 2021.

12. On February 3, 2021, a Secretarial Letter was issued at Docket No. M-2020-3015774 cancelling Lyta’s Certificates at Docket Nos. A-2010-2186555, A-2010-2186707, and A-2010-2206537 for failing to comply with the Commission’s February 6, 2020 Tentative Order.²

13. Because the Tentative Order addresses Lyta’s outstanding assessment balance, including the 2016-2017 and 2017-2018 Fiscal Years which are at issue in I&E’s Complaint as above docketed, and because Lyta’s Certificates have now properly been cancelled pursuant to the Tentative Order, I&E’s Complaint against Lyta is deemed moot.

² Most of the motor carriers listed on Appendix A that did not comply with the Tentative Order were cancelled by Secretarial Letter in June of 2020. Due to an oversight of either the Commission’s Law Bureau or Secretary’s Bureau, Lyta was erroneously excluded from the companies that were served cancellation letters in June 2020. This oversight was corrected by Secretarial Letter of February 3, 2021 wherein Lyta was advised that its Certificates had been cancelled.

14. Had I&E's Enforcement Division known that during the pendency of the instant complaint proceeding Lyta had been separately notified by ADM letter of its outstanding assessment balance, was afforded due process to respond and failed to challenge or to pay the amount due, including the 2016-2017 and 2017-2018 Fiscal Years, resulting in the intended cancellation of Lyta's Certificates pursuant to the Commission's Tentative Order at a separate docket, I&E would have promptly withdrawn its Complaint rather than pursuing reassignment to the Commission's Office of Administrative Law Judge to be scheduled for a hearing.

15. Given that I&E's Complaint is moot, I&E respectfully requests that the Initial Telephonic Hearing scheduled in the above-captioned matter be cancelled and that I&E's Petition for Leave to Withdraw the Complaint be granted.

Respectfully submitted,



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 705-4366
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Date: February 5, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3011252
	:	
Lyta Corporation t/a Best Transit,	:	
Respondent	:	

VERIFICATION

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, Finance and Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Amy Zuvich, Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administration
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Date: February 5, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3011252
	:	
Lyta Corporation t/a Best Transit,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Petition for Leave to Withdraw the Complaint, in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via Electronic Mail:

Robina Shafqat, President and CEO
Lyta Corporation t/a Best Transit
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Kourtney L. Myers
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Dated: February 5, 2021